

The Honorable Ronald B. Leighton



10-CV-05060-ORD

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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA BY DEPUTY	

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBERT AND JONI FRANCIS, as Personal  
Representatives of the ESTATE OF VANNA  
K FRANCIS; and ROBERT AND JONI  
FRANCIS, husband and wife, the marital  
community thereof,

Plaintiffs,

vs.

THE UNITED STATES OF AMERICA;  
DEPARTMENT OF INTERIOR; BUREAU  
OF INDIAN AFFAIRS; LOWER ELWHA  
KLALLAM INDIAN TRIBE; LOWER  
ELWHA KLALLAM INDIAN TRIBAL  
LAW ENFORCEMENT DEPARTMENT,  
COMMUNITY DEVELOPMENT  
DEPARTMENT and MAINTENANCE  
DEPARTMENT, agencies of the United  
States Government; and DOES 1-50,

Defendants.

NO. 3:10-CV-05060-RBL

PLAINTIFFS' NOTICE OF VOLUNTARY  
DISMISSAL OF DEFENDANTS LOWER  
ELWHA KLALLAM INDIAN TRIBE;  
LOWER ELWHA KLALLAM INDIAN  
TRIBAL LAW ENFORCEMENT  
DEPARTMENT, COMMUNITY  
DEVELOPMENT DEPARTMENT and  
MAINTENANCE DEPARTMENT,  
agencies of the United States Government,  
PURSUANT TO RULE 41(a)(1)(A)(i)

COME NOW Plaintiffs Robert and Joni Francis, as Personal Representatives of the  
Estate of Vanna K. Francis, and Robert and Joni Francis, husband and wife, the marital

Plaintiffs' Notice of Voluntary Dismissal  
of Tribal Defendants Pursuant to Rule  
41(a)(1)(A)(i)  
No. 3:10-CV-05060-RBL

Page 1

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community thereof, by and through their counsel of record, Richard L. Martens, Steven A. Stolle and Rose K. McGillis of Martens + Associates | P.S., and pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), hereby dismiss all claims asserted against defendants Lower Elwha Klallam Indian Tribe; Lower Elwha Klallam Indian Tribal Law Enforcement Department, Community Development Department and Maintenance Department, Agencies of the United States Government (collectively "tribal defendants"), without prejudice. Fed. R. Civ. P. 41(a)(1)(A)(i) allows a voluntary dismissal of claims without a court order before an opposing party serves either an answer or a motion for summary judgment. *See* Fed. R. Civ. P. 41(a)(1)(A)(i). The tribal defendants have appeared in this matter but have not filed or served their answers to plaintiffs' complaint, nor is a motion for summary judgment pending before the Court. *See* Dkt. No. 7 and the Court's docket entries. Dismissal of the tribal defendants from this action will not prejudice the remaining defendants. Accordingly, plaintiffs hereby exercise their rights to voluntarily dismiss their claims against the tribal defendants without prejudice.

DATED THIS 15<sup>th</sup> day of March, 2010.

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By: s/ Rose K. McGillis  
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IT IS SO ORDERED THIS 16<sup>th</sup> DAY OF March, 2010  
ROSE K. MCGILLIS  
UNITED STATES DISTRICT COURT JUDGE

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Page 2

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